

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

CARL PORTER

PLAINTIFF

V.

CIVIL ACTION NO. 4:19-CV-00049-RP

GLORIA CARTER,
C.O. VICTORIA ECKFORD, and
C.O. HONEYCUT

DEFENDANTS

ORDER DISMISSING AS MOOT PLAINTIFF'S MOTION
FOR A TEMPORARY RESTRAINING ORDER

On October 29, 2019, Plaintiff Carl Porter, acting *pro se*, filed the instant motion for a temporary restraining order. Doc. #23. Porter is an inmate in the custody of the Mississippi Department of Corrections ("MDOC") and was formerly housed at the Mississippi State Penitentiary ("MSP"). In his motion, Porter alleges that Defendants continue to harass, threaten, and fail to protect him from attacks by other inmates housed in his unit at MSP. The motion seeks an order requiring that Porter be transferred from Defendants' supervision at MSP to a different MDOC facility.

A party must prove four elements to be entitled to a temporary restraining order: (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury if the injunction is not issued; (3) that the threatened injury to the movant outweighs any harm that may result from the injunction to the non-movant; and (4) that the injunction will not disserve the public interest. *See DSC Communications Corp. v. DGI Technologies, Inc.*, 81 F.3d 597, 600 (5th Cir. 1996); *Cherokee Pump & Equipment, Inc. v. Aurora Pump*, 38 F.3d 246, 249 (5th Cir. 1994); *Doe v. Duncanville Independent School District*, 994 F.2d 160, 163 (5th Cir. 1993); *Clark v. Prichard*, 812 F.2d 991, 993 (5th Cir. 1987).

In this case, Porter was transferred from MSP to the East Mississippi Correctional Facility in Meridian, Mississippi on November 4, 2019. *See* Doc. # 27, Ex. 1. Thus, it is clear that Porter is no longer subject to a threat of harm from Defendants, who are employees at MSP. Accordingly, Porter's motion for a temporary restraining order [23] regarding his stay at MSP must be **DISMISSED as moot**.

SO ORDERED, this the 6th day of November, 2019.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE